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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2688

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,592

Applicant(s)

STARKOVICH ET AL.

Examiner

Sharad K. Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

I. The current office-action is in response to the amendment filed on 9/12/05.

Accordingly, Claims 1-28 are pending for further examination as follows:

Claim Rejections - 35 USC § 112

II. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1 and 13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "receiving an indication of one or more **attributes**".

Claim Rejections - 35 USC § 103

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claims 1-5, 11, 13-14, 18-21, & 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al. further in view of Tsoukas (WO 9741654).

Regarding Claim 1, Thakker disclosed A method of transmitting a message from a portable communication device (120; fig.3; col.4; 7-31, col.5; 26-65) comprising:
preparing the message to be transmitted; (140a; fig.3; col.4; 7-31, col.5; 26-65) and

Thakker fails to disclose transmitting the message from the portable communication device upon the occurrence of a user-defined event. However, Johnson teaches in an analogous art, that transmitting the message from the portable communication device upon the occurrence of a user defined event. (col.2; 23-35, col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting the message from the portable communication device upon the occurrence of a user defined event in order to provide information exchange with communication network based on user needs.

Also the above combination doesn't disclose explicitly receiving an indication of one or more attributes defining a user-defined event associated with the message. However, Tsoukas teaches in an analogous art, that wherein preparing includes receiving an indication of one or more attributes defining a user defined event associated with the message; (i.e. transmitting message based on customer defined profile of each subscriber; Pg.2; 8-Pg.4; 5, Pg. 5; 23-26, Pg. 10; 28-Pg.11; 9 and Claim 1) Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving an indication of one or more attributes defining a

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user-defined event associated with the message in order to offer a method for disseminating information to subscriber, based on customer-defined profile.

Regarding Claim 2, Thakker disclosed The method of claim 1, wherein transmitting the message includes transmitting the message from the portable communication device to a base station. (23; fig.3; col.4; 21-31)

Regarding Claim 3, Thakker disclosed all the particulars of the claim except the user defined event. However, Johnson teaches in an analogous art, that The method of claim 1, further comprising specifying the user defined event. (col.2; 23-35, col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event in order to provide information exchange with communication network based on user needs.

Regarding Claim 4, Thakker disclosed all the particulars of the claim except the user defined event includes specifying the date and time for transmission of the message. However, Johnson teaches in an analogous art, that The method of claim 3, wherein specifying the user defined event includes specifying the date and time for transmission of the message. (scheduling; col.2; 23-35, time intervals; col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying the date and time for transmission of the message in order to provide information exchange with communication network based on user needs.

Regarding Claim 11, Thakker disclosed all the particulars of the claim except storing the message in memory in the portable communication device. However, Johnson teaches in an analogous art, that The method of claim 1, further comprising storing the message in memory in the portable communication device. (301; fig.3; col.6; 14-25) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include storing the message in memory in the portable communication device in order provide information exchange with communication network based on user profile saved in memory.

Regarding Claim 13, Thakker disclosed A method of transmitting a message to a portable communication device (120; fig.3; col.4; 7-31, col.5; 26-65) comprising:

Thakker fails to disclosed transmitting the message with a transmitter to the portable communication device upon occurrence of the transmission condition. However, Johnson teaches in an analogous art, that storing a message in memory; (301; fig.3; col.6; 14-25) defining a transmission condition for when the message is to be transmitted transmitting the message with a transmitter to the portable communication device upon occurrence of the transmission condition. (col.2; 23-35, col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting the message with a transmitter to the portable communication device upon occurrence of the transmission condition in order to provide information exchange with communication network based on user needs.

Also the above combination doesn't disclose explicitly receiving an indication of one or more attributes defining a user-defined event associated with the message. However, Tsoukas

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teaches in an analogous art, that wherein preparing includes receiving an indication of one or more attributes defining a user defined event associated with the message; (i.e. transmitting message based on customer defined profile of each subscriber; Pg.2; 8-Pg.4; 5, Pg. 5; 23-26, Pg. 10; 28-Pg.11; 9 and Claim 1) Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving an indication of one or more attributes defining a user-defined event associated with the message in order to offer a method for disseminating information to subscriber, based on customer-defined profile.

Regarding Claim 14, Thakker disclosed all the particulars of the claim except the defining a time when the message is to be transmitted. However, Johnson teaches in an analogous art, that The method of claim 13, wherein defining a transmission condition includes defining a time when the message is to be transmitted. (scheduling; col.2; 23-35, time intervals; col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the defining a time when the message is to be transmitted in order to provide information exchange with communication network based on user needs.

Regarding Claim 18, Thakker disclosed The method of claim 13, further comprising receiving the message with an antennae on the portable communication device. (20; fig.3)

Regarding Claim 19, Thakker disclosed A portable communication device (120; fig.3; col.4; 7-31, col.5; 26-65) comprising:
a transmitter having an antennae to transmit the message; (20; fig.3) and

Thakker fails to disclosed transmit the message with the transmitter upon occurrence of a user defined event. However, Johnson teaches in an analogous art, that a memory to store a message; (301; fig.3; col.6; 14-25)

a processor, wherein the processor is adapted to transmit the message with the transmitter upon occurrence of a user defined event. (104; fig.1; col.3; 28-41) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmit the message with the transmitter upon occurrence of a user defined event in order to provide information exchange with communication network based on user needs.

Also the above combination doesn't disclose explicitly an indication of one or more attributes defining a user-defined event associated with the message. However, Tsoukas teaches in an analogous art, that an indication of one or more attributes defining a user defined event associated with the message; (i.e. transmitting message based on customer defined profile of each subscriber; Pg.2; 8-Pg.4; 5, Pg. 5; 23-26, Pg. 10; 28-Pg.11; 9 and Claim 1) Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to include an indication of one or more attributes defining a user-defined event associated with the message in order to offer a method for disseminating information to subscriber, based on customer-defined profile.

Regarding Claim 20, Thakker disclosed all the particulars of the claim except the user defined event. However, Johnson teaches in an analogous art, that The portable communication device of claim 19, where in the processor is further adapted to monitor the operation of the portable communication device and determine if the user defined event has occurred. (104; fig.1;

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col.3; 28-41) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event in order to provide information exchange with communication network based on user needs.

Regarding Claim 21, Thakker disclosed all the particulars of the claim except the defining a time when the message is to be transmitted. However, Johnson teaches in an analogous art, that The portable communication device of claim 20, wherein the processor is further adapted to determine if a current time is substantially equal to a time specified as at least part of the user defined event. (scheduling; col.2; 23-35, time intervals; col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the defining a time when the message is to be transmitted in order to provide information exchange with communication network based on user needs.

Regarding Claim 24, Thakker disclosed An article (120; fig.3; col.4; 7-31) comprising: preparing a message to be transmitted by a portable communication device; (20; fig.3; col.5; 26-65) and

Thakker fails to disclosed transmit the message with the transmitter upon occurrence of a user defined event. However, Johnson teaches in an analogous art, that a storage medium having stored thereon instructions, that, when executed by a computing platform, results in; (301; fig.3; col.6; 14-25)

transmitting the message from the portable communication device upon the occurrence of a user defined event. (104; fig.1; col.3; 28-41) Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention to include transmit the message with the transmitter upon occurrence of a user defined event in order to provide information exchange with communication network based on user needs.

Also the above combination doesn't disclose explicitly receiving an indication of one or more attributes defining a user-defined event associated with the message. However, Tsoukas teaches in an analogous art, that wherein preparing includes receiving an indication of one or more attributes defining a user defined event associated with the message; (i.e. transmitting message based on customer defined profile of each subscriber; Pg.2; 8-Pg.4; 5, Pg. 5; 23-26, Pg. 10; 28-Pg.11; 9 and Claim 1) Hence, it would have been obvious to one of ordinary skill in the art at the time of invention to include receiving an indication of one or more attributes defining a user-defined event associated with the message in order to offer a method for disseminating information to subscriber, based on customer-defined profile.

Regarding Claim 25, Thakker disclosed The article of claim 24, wherein the instructions, when executed, further result in transmitting the message from the portable communication device to a base station. (23; fig.3; col.4; 21-31)

Regarding Claim 26, Thakker disclosed all the particulars of the claim except the user defined event. However, Johnson teaches in an analogous art, that The article of claim 24, further comprising specifying the user defined event. (col.2; 23-35, col.3; 54-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user

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defined event in order to provide information exchange with communication network based on user needs.

Regarding Claim 27, Thakker disclosed all the particulars of the claim except defining an acceptable quality of service level for when the message is to be transmitted. However, Johnson teaches in an analogous art, that The article of claim 26, wherein defining a transmission condition includes specifying an acceptable quality of service level for when the message is to be transmitted. (network capacity; col.2; 23-35, col.7; 36-50) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable quality of service level at which the message is to be sent in order to provide information exchange with communication network based on user needs and network capacity.

Regarding Claim 28, Thakker disclosed all the particulars of the claim except defining an acceptable level of service level for when the message is to be transmitted. However, Johnson teaches in an analogous art, that The article of claim 26, wherein the instructions, when executed, further result in specifying an acceptable level of service level at which the message is to be transmitted. (network capacity; col.2; 23-35, col.7; 36-50) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable level of service level at which the message is to be sent in order to provide information exchange with communication network based on user needs and network capacity.

V. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al., Tsoukas further in view of Uchiyama.

Regarding Claim 9, The above combination disclosed all the particulars of the claim except the portable communication device is coupled to a stable power supply. However, Uchiyama teaches in an analogous art, that The method of claim 1, further comprising compressing the message only when the portable communication device is coupled to a stable power supply. (pg.6; 0051) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to the portable communication device is coupled to a stable power supply in order to provide docking station for stable power.

VI. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al., Tsoukas further in view of Rutledge.

Regarding Claim 12, The above combination disclosed all the particulars of the claim except storing the message in non-volatile memory. However, Rutledge teaches in an analogous art, that The method of claim 11, wherein storing the message in memory includes storing the message in non-volatile memory. (col.3; 19-29) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include storing the message in non-volatile memory in order to tactile proximity when retrieving messages.

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VII. Claims 6, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al., Tsoukas further in view of Yach et al.

Regarding Claims 6, 8 The above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable transmission power level at which the message is to be sent. However, Yach teaches in an analogous art, that the method of claim 3, wherein specifying the user defined event includes specifying an acceptable transmission power level or distance at which the message is to be sent. (Pg.7; 0064) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable transmission power level at which the message is to be sent in order provide transmission power control method in achieving the target.

VIII. Claims 5, 7, 15-17, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al., Tsoukas further in view of Price et al. (US 20020082881).

Regarding Claims 5,17 the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable cost level at which the message is to be sent. However, Price teaches in an analogous art, that the method of claims 3, 13 respectively, wherein specifying the user defined event includes specifying an acceptable cost level at which the message is to be sent. (Pgs.3-4; 0052) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable cost level at which the message is to be sent in order to

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provide complex pricing for plural electronic exchange transaction events such that individual events, accumulated events, cross product events and non-transactional events.

Regarding Claims 16, 23 the above combination disclosed all the particulars of the claim except defining an acceptable quality of service level for when the message is to be transmitted. However, Price teaches in an analogous art, that the method of claims 13, 20 respectively, wherein defining a transmission condition includes defining an acceptable quality of service level for when the message is to be transmitted. (Pgs.3-4; 0052) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable quality of service level at which the message is to be sent in order to provide information exchange with communication network based on user needs and network capacity.

Regarding Claims 7, 15, 22 The above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable security level at which the message is to be sent. However, Price teaches in an analogous art, that the method of claims 3, 13, 20 wherein specifying the user defined event includes specifying an acceptable security level at which the message is to be sent. (Pg.7; 0095) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable security level at which the message is to be sent in order to provides for secure delivery of user-selected data items from the host system to mobile device.

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IX. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker and Johnson et al., Tsoukas further in view of Adams (US 6400814).

Regarding Claim 10, The above combination disclosed all the particulars of the claim except transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. However, Adams teaches in an analogous art, that The method of claim 1, wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. (col.4; 42-54) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver in order to determine operational status thereof.

Response to Argument

X. *Applicant's arguments filed on 9/12/2005 have been fully considered but they are not persuasive.*

In response to Applicant's argument that Tsoukas doesn't teach, "receiving an indication of one or more attributes defining a user defined event associated with the message;" it is noted that Tsoukas supports the assertion as, transmitting message based on customer defined profile of each subscriber and the message is transformed in the form of SMS text message. (See Pg.2; 8-

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Pg.4; 5, Pg. 5; 23-26, Pg. 10; 28-Pg.11; 9 and Abstract, Claim 1) Hence, it is believed that Tsoukas teaches the claimed limitations.

Conclusion

XI. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

XII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:15-4:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

JEAN GELIN
PRIMARY EXAMINER

jean Heland Gelin
November 18, 2005

Sharad Rampuria
Examiner
Art Unit 2688